



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,576	11/24/2003	Hyuncheol Park	Q76060	1229

23373 7590 07/03/2006

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

CHANNAVAJJALA, SRIRAMA T

ART UNIT	PAPER NUMBER
----------	--------------

2166

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/718,576	PARK, HYUNCHEOL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Srirama Channavajjala	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/12/2004, 6/30/2005</u>  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-15 are presented for examination.

***Drawings***

2. The Drawings filed on 11/24/2003 are acceptable for examination purpose

***Information Disclosure Statement***

3. The information disclosure statement filed on 8/12/2004, 6/30/2005 is in compliance with the provisions of 37 CFR 1.97, and has been considered and a copy is enclosed with this Office Action.

***Priority***

4. Acknowledgment is made of applicant's claim for foreign priority based on Korean Patent Application No. 10-2003-0007725 filed on 7 February 2003 under 35 U.S.C. 119(a)-(d), the certified copy has been filed with the Application No. 10/718,576, filed on November 24,2003.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. ***Claims 1-15 are rejected under 35 U.S.C. 101 because invention is directed to non-statutory subject matter.***

***As set forth in MPEP 2106(II)A:***

*Identify and understand Any Practical Application Asserted for the Invention. The claimed invention as a whole must accomplish a practical application. That is, it must produce a “useful, concrete and tangible result.” State Street, 149 F.3d at 1373, 47USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of “real world” value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the **practical application** for the claimed invention, i.e., why the applicant believes the claimed invention is useful.*

*Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See Arrhythmia, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material **stored in a computer-readable medium does not make the invention eligible for patenting**. For example, a claim directed to a word processing **file stored on a disk may satisfy the utility** requirement of 35 U.S.C. 101 since the information stored may have some **“real world”** value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 **does not mean that a useful result is achieved under the practical application requirement. The claimed invention as a whole must produce a “useful, concrete and tangible” result to have a practical application.***

6. Regarding claim 1, "a community service providing system for providing communication services through a wired/wireless network, comprising:

an input section through which one of emotion and condition information of communication service users is input; and

an emotion/condition analysis module for generating events to provide to the communication service users by use of said one of the emotion and condition information of the communication service users, input through the input section".

is directed to "abstract idea" because all of the elements in the claim 1, would reasonably be interpreted by one of ordinary skill in light of the disclosure as software, such that the steps in a community service providing communications services through a network is software, per se, is "non-statutory subject matter" and **claim 1** does not have "practical application" because the "final result" by the claimed invention in the claim 1 elements particularly "an emotion/condition analysis module for generating events to provide to the communication service users by use of said one of the emotion and condition information of the communication service users, input through the input section" is not producing "useful, tangible and concrete" and therefore, claim 1, is a non-statutory subject matter.

The claimed invention is subject to the test of State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Specifically State Street sets forth that the claimed invention must produce a **"useful, concrete and tangible result."** The **Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility** states in section IV C. 2 b. (2) (on page 21 in the PDF format):

The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing. However, the tangible requirement does require that the claim must recite more than a § 101 judicial exception, in that the process claim must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had “no substantial practical application.”).

Claims 1, have the result of producing “real-world” results related to “an emotion/condition analysis module for generating events to provide to the communication service users by use of said one of the emotion and condition information of the communication service users, input through the input section” however the claim[s] do not specify that the result neither output nor displayed to a user or otherwise used in the real world, but does not output useful, concrete and tangible result. The examiner reviewed the specification page 10-13,15-17 but was unable to find a practical real-world use of the result (an emotion/condition analysis module for generating events to provide to the communication service users by use of said one of the emotion and condition information of the communication service users, input through the input section).

If the applicant is able to find one and inserts it into the claims provide the location the element is found in the specification

The claims 2-7, dependent from claim 1 is also rejected in the above analysis.

7. Regarding claim 8," *a community service providing method, comprising the steps of causing one of emotion and condition information of communication service users to be input, and determining one of a similarity and difference among the communication service users by use of said one of the input emotion and condition information, and generating events in accordance with the determination result*" is directed to "abstract idea" because all of the elements in the claim 8, would reasonably be interpreted by one of ordinary skill in light of the disclosure as software, such that the steps in a community service providing merely generating events in accordance with the determination result" **claim 8** does not have "practical application" because the "final result" by the claimed invention in the claim 8 elements particularly "*generating events in accordance with the determination result*" "is not producing useful, tangible and concrete" and therefore, claim 8, is a non-statutory subject matter.

The claimed invention is subject to the test of State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Specifically State Street sets forth that the claimed invention must produce a "*useful, concrete and tangible result.*" The **Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility** states in section IV C. 2 b. (2) (on page 21 in the PDF format):

The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing. However, the tangible requirement does require that the claim must recite more than a § 101 judicial exception, in that the process claim must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ

at 676-77 (invention ineligible because had "no substantial practical application.").

Claims 8, have the result of producing "real-world" results related to "generating events in accordance with the determination result, " however the claim[s] do not specify that the result neither output nor displayed to a user or otherwise used in the real world, but does not output useful, concrete and tangible result. The examiner reviewed the specification page 10-13,15-17 but was unable to find a practical real-world use of the result (*generating events in accordance with the determination result*).

If the applicant is able to find one and inserts it into the claims provide the location the element is found in the specification

The claims 9-15, dependent from claim 8 is also rejected in the above analysis.



***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. ***Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by***

***Mochizuki et al. [hereafter Mochizuki], US Patent No. 6,909,453 filed on June 6, 2002, filed on Dec 19,2002***

10. As to claim 1, Mochizuki teaches a system which including “a community service providing system for providing communication services through a wired/wireless network [Abstract, col 3, line 23-30, fig 1, fig 10Bfig 12A-12B], Mochizuki specifically teaches virtual television phone communication facilitated by the service provider for example television or communication providers, wired/wireless network corresponds to Mochizuki’s fig 10B, 12A-12B;

‘an input section through which one of emotion and condition information of communication service users is input’ [col 3, line 45-49, col 4, line 64-65,col 16, line 55-60, col 17, line 16-19], Mochizuki teaches virtual television phone having various modules or units that including communication unit, voice/music selection input unit and voice/music processing and analyzing unit connected to emotion presuming unit

Art Unit: 2166

element 10 as detailed in fig 1, further, when user inputting voice/music, the voice/music converting unit converts the voice based on the sent voice and sends to the voice/music output unit, and the voice analysis result is sent to the emotion unit as detailed in col 17, line 16-19;

'an emotion/condition analysis module for generating events to provide to the communication service users by use of said one of the emotion and condition information of the communication service users, input through the input section' [col 7, line 25-34, col 17, line 25-38], Mochizuki specifically directed to relationship between events and emotions, more specifically, events related to voice analysis sent to the emotion unit element 10 to determine for the emotion types and level of emotions such as "normal", "laughing", "angry", "weeping" and "worried" and like as detailed in col 17, line 25-38, see fig 5A-5B,6A.

11. As to claim 2, Mochizuki disclosed 'an output section for transmitting one of an emotion map processed through the emotion/condition analysis module and information related to the generation of events to the communication service users' [col 9, line 66-67, col 10, line 1-3, fig 5A-5B].

12. As to claim 3, Mochizuki disclosed 'the input section maps said one of the emotion and condition information of the communication service users into an emotion map' [col 6, line 65-67, col 7, line 1-3]..

Art Unit: 2166

13. As to claim 4, Mochizuki disclosed 'wherein the emotion map allows one of a user's emotion and condition information to be represented as coordinate values based on predetermined information axes to indicate a predetermined emotion defined by the communication service users' [col 5, line 30-48, col 13, line 5-14].

14. As to claim 5, Mochizuki disclosed 'wherein the emotion/ condition analysis module comprises:

a coordinate value comparing unit for measuring a proximity degree of the coordinate values represented on the emotion map, corresponding to said one of the emotion and condition information of the communication service users input through the input section' [col 6, line 49-67, col 7, line 1-3];

'a coordinate value determining unit for determining at least one of a similarity and a difference between said coordinate values within a predetermined range based on the proximity degree measured by the coordinate value comparing unit' [col 17, line 25-33];

'an event generating unit for generating corresponding events in response to a control signal generated by the coordinate value determining unit' [col 17, line 31-43].

15. As to claim 6, Mochizuki disclosed 'at least one of the similarity and difference is determined using one of the proximity degree and relative distance between the coordinate values measured by the coordinate value comparing unit' col 17, line 10-16][.

Art Unit: 2166

16. As to claim 7, Mochizuki disclosed 'wherein the events are determined according to said at least one of the similarity and the difference represented by the communication service users, and the events are determined based on the coordinate values indicated on the emotion map' [col 18, line 19-34].

17. As to claim 8, Mochizuki teaches a system which including 'a community service providing method, comprising the steps of causing one of emotion and condition information of communication service users to be input' [col 17, line 25-33, col 18, line 35-50, fig 1], Mochizuki specifically teaches various emotion and conditions that are stored in emotion presuming unit related to user's voice analysis over a period of time as detailed in col 17, line 25-33, further, as noted, voice of the user's is inputted, and voice processing unit determines the emotions based on the condition[s] of the voice as detailed in col 18, line 35-42; 'determining one of a similarity and difference among the communication service users by use of said one of the input emotion and condition information, and generating events in accordance with the determination result' [col 17, line 33-46, col 18, line 51-65]', Mochizuki specifically teaches generating voice analysis in certain period of time and determining the level of emotion and condition information as detailed in col 17, line 33-46.

18. As to claim 9, Mochizuki disclosed 'transmitting one of information on the input emotion and condition information as predetermined coordinate values and information on generation of the events, to the predetermined communication service users' [col 23, line 38-49, fig 12A-12B]..

19. As to claim 10, Mochizuki disclosed 'generating the events comprises a step of generating events specified previously in accordance with an attribute of a group to which the communication service users belong' [col 23, line 61-67, col 24, line 1-3]..

20. As to claim 11, Mochizuki disclosed 'generating the events comprises a step of selecting an event notification method in accordance with neighboring environment information measured by a sensor provided in a terminal of each of the communication service users' [col 23, line 38-42].

21. As to claim 12, Mochizuki disclosed 'one of the emotion and condition information is information related to coordinates, which move on the emotion map in accordance with a key input by at least one of the communication service users' [col 19, line 23-30, line 41-51].

22. As to claim 13, Mochizuki disclosed 'one of the emotion and condition information is text information corresponding to at least one type of event required by at least one of the communication service users' [col 17, line 46-61]..

Art Unit: 2166

23. As to claim 14, Mochizuki disclosed 'one of the similarity and difference is determined using one of a proximity degree and a relative distance for coordinate values, which are measured based on the coordinate values represented on an emotion map, corresponding to said one of the input emotion and condition information of the communication service users' [col 18, line 19-34]

24. As to claim 15, Mochizuki disclosed 'wherein an emotion map is configured based on predetermined information axes indicating predetermined emotions defined by the communication service users, so as to represent one of emotions and conditions as coordinate values. [col 5, line 30-48, col 13, line 5-14].

### ***Conclusion***

#### ***The prior art made of record***

a. US Patent.No. . 6909453

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

SC  
Patent Examiner.  
June 23, 2006.

